सत्यमेव जयते

| राजस्थान राजपत्र विशेषांक | RAJASTHAN GAZETTE Extraordinary |
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भाग 4 (ग)

उप-खण्ड(II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा अधिसूचनाएं।

**Urban Development & Housing Department**

NOTIFICATION

**Jaipur, June 06, 2025**

**S.O.09 .**-In exercise of the powers conferred by sub-section (1) of section 95 read with sub-section (5) of section 80 of the Bikaner Development Authority Act, 2025 (Act No. 8 of 2025), the State Government hereby makes the following rules, namely:-

**1. Short title and commencement.-** (1) These rules may be called the Bikaner Development Authority Appellate Tribunal Rules, 2025.

(2) They shall come into force on and from the date of their publication in the Official Gazette.

**2. Definitions.-** (1) In these rules, unless the context otherwise requires,-

(i) "Act" means the Bikaner Development Authority Act, 2025 (Act No.8 of 2025);

(ii) "Authority" means Bikaner Development Authority established under section 3 of the Act;

(iii) "Form" means form appended to these rules;

(iv) "Section" means section of the Act; and

(v) "Tribunal" means the Bikaner Development Authority Appellate Tribunal, Bikaner constituted under section (1) of section 80.

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

**3. Procedure for filing appeal.-** (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant and his Advocate, if any, and presented before the Tribunal or such officer appointed in this behalf by the Tribunal.

(2) Every memorandum of appeal shall be accompanied by,-

(i) certified copy of the order appealed against or its true copy issued by the Authority;

(ii) where the appellant for reasons beyond his control is not in a position to furnish a duly certified copy of the order appealed against, the appeal shall be accompanied by an affidavit stating the reasons thereof;

(iii) photocopy or copies of the other documents on which he wished to rely along with a list of documents in Form No. I;

(iv) as many copies of memorandum of appeal as there are respondents in the appeal along with notice of appeal; and

(v) an affidavit in support of the contents of memorandum of appeal and documents.

**4. Contents of memorandum of appeal.**– Every memorandum of appeal shall,-

(i) state the name and address of the appellant;

(ii) state the name and address of the respondents;

(iii) set out concisely and under distinct heads, the grounds of appeal without any argument or narrative;

(iv) state, at the end of memorandum of appeal, that no suit, writ petition, appeal or other proceeding have been filed by him or by any other persons within his knowledge concerning the matter in this appeal in any court; and

(v) in case, the appellant or any other person within his knowledge has filed any such suit, writ petition, appeal or proceeding as mentioned above in any court, brief description of the same shall be given in the memorandum of appeal.

**5. Scrutiny of memorandum of appeal.–** On presentation of memorandum of appeal and before initiating any action on it, the Tribunal or any officer appointed in this behalf by the Tribunal shall scrutinize the memorandum of appeal on the following points:-

(i) whether it bears the signatures of the appellant;

(ii) whether it is accompanied by order or its true copy against which the appeal has been filed along with the requisite number of copies of appeal, notice, documents and affidavits as specified in clause (b), (c), (d) and (e) of sub-rule (2) of rule 3;

(iii) whether it is within the jurisdiction of the Tribunal;

(iv) whether it contains the grounds of appeal;

(v) whether the appeal is within the period of limitation or whether the appellant has given sufficient cause for not preferring appeal within the limitation period; and

(vi) any other relevant point effecting the admissibility of appeal.

**6. Rejection or amendment of memorandum of appeal.–** (1) Where the memorandum of appeal is not drawn up in the manner hereinbefore prescribed, it may be rejected or be returned to the appellant for the purpose of being amended within a time to be fixed by the Tribunal.

(2) Where the Tribunal rejects the memorandum of appeal, it shall record the reasons for such rejection.

(3) Where a memorandum of appeal is amended, the Presiding Officer of the Tribunal or officer appointed in this behalf by the Tribunal, shall sign or initial on the amended memorandum of appeal.

**7. Registration of memorandum of appeal.–** (1) After scrutiny of the memorandum of appeal or amended memorandum of appeal, as the case may be, the officer appointed in this behalf by the Tribunal shall endorse thereon the date of presentation and shall register the appeal in a register of appeals.

(2) Form of register of appeal shall be such as may be specified by the Tribunal.

**8. Notices to the respondents and production of record.–** (1) As soon as the appeal is admitted, the Tribunal shall order to,-

(i) issue notice in Form No. II to the respondents; and

(ii) issue notice for production of records in the Form No. III to the appellant or respondents.

**Explanation:** Notices in the name of the Authority shall be issued to the Secretary of the Authority.

(2) All notices required to be given or served on any person under these rules shall be issued and served as nearly as may be in the same manner as provided for the issuance and service of summons under the provisions of order V of the Code of Civil Procedure,1908 (Central Act No. V of 1908).

**9. Daily Cause list.–** A cause list shall be prepared in Hindi for each day in Form No. IV of cases fixed for hearing and signed by such officer as may be appointed in this behalf by the Tribunal and same shall be affixed on the notice board of the Tribunal on the previous working day.

**10. What to accompany the notices to respondents.–** Notices issued to the respondents shall be accompanied by a copy of the memorandum of appeal, the copy of order appealed against and copies of documents filed by the appellant.

**11. Reply of respondents.-** The respondent shall, on or before the date of first hearing or within such time as the Tribunal may permit, from time to time, file reply of the appeal along with,-

(i) copy or copies of the documents on which he rely;

(ii) a list of documents; and

(iii) an affidavit in support of the contents of reply and documents.

**12. Order or judgment of appeal.–** The Tribunal, after hearing the parties shall pass an order or judgment in writing and same shall be signed with date by the Presiding Officer.

**13. Copy of order or judgment.–** (1) On the application of parties in Form No. V, certified copies of the orders and judgments passed by the Tribunal shall be supplied to the

parties by the Tribunal on payment of fee specified in General Rules (Civil & Criminal) 2018. Fees shall be deposited in cash in the account of the Authority and no such fee shall be charged from the Authority and State Government.

(2) Such application shall be entered into a register in the form specified by the Tribunal.

(3) The Tribunal shall send a certified copy of an order or judgment passed by it in each appeal to the Secretary of the Authority and one such copy to the officer of the Authority against whose order appeal was filed.

(4) The procedure for grant of copies of orders and judgments, the provisions of General Rules (Civil & Criminal) 2018 shall mutatis mutandis apply.

**14. Inspection of records.–** (1) A person may apply for inspection of records of the Tribunal.

(2) The form of application and fee for the inspection of records shall be same as specified in the General Rules (Civil & Criminal) 2018. The fee shall be deposited in the account of the Authority. No fee shall be charged from the Authority or the State Government.

(3) The Tribunal may allow, an application under sub-rule (1) for inspection of record, the terms and conditions of inspection shall be same as specified in the General Rules (Civil & Criminal) 2018.

(4) Every application under sub-rule (1) shall be entered in register.

**15. Preservation, retention and disposal of records.–** For preservation, retention and disposal of records of appeals, the provisions of the General Rules (Civil & Criminal) 2018 shall mutatis mutandis apply.

**16. Reference to Tribunal.-** (1) Any dispute arising out of any provisions of the Act may be referred to the Tribunal by the Authority.

(2) The Authority may draw up a statement of the facts of the case and the point or points on which dispute has arisen and refer such statement for the decision of Tribunal.

(3) Such statement shall be signed by the Secretary of the Authority.

**17. Review.–** (1) The Tribunal may on an application of the party to the appeal or on its own motion, review its own order or judgment.

(2) The Tribunal shall have the same powers as are vested in a civil court, in respect of hearing and disposal of review applications, under the Code of Civil Procedure, 1908 (Central Act No. V of 1908).

**18. Procedure regarding matters not covered by rules.–** The Tribunal shall follow such procedure as it may think fit on the matters not provided by these rules and not inconsistent with the Act.

**19. Repeal and savings.–** (1) All notification, circulars and orders issued by the State Government, from time to time, in relation to matters covered by these rules, shall stand

superseded so far as they are inconsistent to the provisions of these rules from the date of the commencement of these rules.

(2) Any action taken or things done under superseded notification, circular or orders so superseded prior to commencements of these rules shall be deemed to have been taken or done under these rules.

**[No.F-17(11)UDH/Rules/2025]**

**By order of the Governor,**

(Ravi Vijay)
**Deputy Secretary to the Government.**

**FORM No. I**
[see rule 3(2)(c)]

**BEFORE THE BIKANER DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL BIKANER**

**List of documents**
APPEAL N0……/20……..

NAME OF PARTIES:

……..…… Appellant v/s ……. Respondent

| S. No. | Description of documents | No. of Papers | Original or Copy | Remarks |
|---|---|---|---|---|
| | | | | |

Date……

Signature of Appellant

with name & address

**FORM No. II**
[see rule 8(1)(i)]

**BIKANER DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL, BIKANER**

**Notice to respondent of the day fixed for the hearing of the appeal**

……. vs 1. Bikaner Development Authority, Bikaner

2.

3.

APPELLANT: RESPONDENT

Appeal No……./20…..against the order No…….dated… /passed by the …….. , Bikaner Development Authority.

To,

…… Bikaner Development Authority, Bikaner.

……....

……..

RESPONDENT

Take notice that an appeal from the order, as shown above has been presented by the appellant and registered in this Tribunal and that the day of /20…at 11:00AM has been fixed by this Tribunal for the hearing of this appeal. (Copy of Appeal along with document and impugned order enclosed.)

If you or your authorized pleader or any person authorized by law to act on behalf you, fails to appear in this appeal. It will be heard and decided in your absence.

Notice is given under my hand and the seal of the Tribunal on this day of……../20……

By order
Bikaner Development Authority Appellate Tribunal,
Bikaner

**FORM No. III**

[see rule 8 (ii)]

**BIKANER DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL, BIKANER**

**Requisition for record**

No……./T/g……. Dated……

…..... Vs Bikaner Development Authority, Bikaner

To,

---------- Bikaner Development Authority, Bikaner.

I have satisfied myself that the production of the following original record is necessary. Kindly transmit to this Tribunal, the record specified below. The record should reach to this Tribunal before----------the next date of hearing.

Particulars of record

1. Of what court / Authority.
2. Kind of case
3. No. and year
4. Title
5. Date of disposal/orders
6. Remarks

By order

Bikaner Development Authority Appellate Tribunal,

Bikaner

**FORM No. IV**

[see rule 9]

**BIKANER DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL, BIKANER**

**CAUSE-LIST**

…….DATE …… MONTH ……. YEAR

| S. No | No. & Description Of case | Name of Parties | Name of Lawyers | Purpose | Remarks |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

**FORM No. V**

[see rule13]

**Application for certified copy**

Appeal No. ... ..

NAME OF PARTIES

…… vs ……..

Applicant is Appellant / Respondent / Advocate in this appeal and request for certified copy / copies of order / judgment.

| S. No. | Description of order/ judgment | No. of Copies | Purpose of obtaining copies | Urgent or ordinary |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Date:

Signature of Applicant
with name & Address

**By order of the Governor,**

(Ravi Vijay)
**Deputy Secretary to the Government.**

**Government Central Press, Jaipur.**